

PUBLIC NOTICE: 06-38

DATED: May 11, 2006

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THE
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE
SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE PROPOSED
ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS", 40 CFR PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES, 4480 OLD VESTAL ROAD, VESTAL, NEW YORK 13850, DOCKET NO. CWA-02-2006-3322; FILED ON MAY 3, 2006 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$5,500, FOR FAILURE TO COMPLY WITH THE REPORTING REQUIREMENTS AS REQUIRED BY THE 40 CFR PART 503 STANDARDS FOR THE USE OR DISPOSAL OF

SEWAGE SLUDGE. EPA HAS PROVIDED THE RESPONDENT WITH A SETTLEMENT OFFER OF \$1,100 IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED ABOVE.

DORE LAPOSTA, DIRECTOR

DIVISION OF ENFORCEMENT AND

COMPLIANCE ASSISTANCE